

**REMARKS**

Applicant has filed the present amendments and REMARKS in reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated September 27, 2004 and believes that the amendments and REMARKS are fully responsive to the Notice of Non-Compliant Amendment as well as the Office Action of September 29, 2003 for reasons set forth herein below in greater detail. Reconsideration of this application is respectfully requested.

In the Notice of Non-Compliant Amendment, Examiner has stated that each claim has not been provided with the proper identifier. Applicant has now identified each and every claim presented with the appropriate one of the 7 status identifiers.

Additionally, Examiner has stated that payment is needed for additional claims. Due to the fact that there are now 22 claims, including 3 independent claims in this Application, Applicant respectfully submits payment for 2 additional claims in excess of 20.

In the present Office Action, the Examiner rejected Claims 1-2 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Additionally Claims 1-2 stand rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph, as being in narrative form and replete with indefinite and functional or operational language.

Responsive to the Examiner's rejection of Claims 1-2 in this Office Action, Applicant has amended Claims 1-2 and added Claims 3-22. Regarding amended Claim 1, Applicant contends that the invention subject matter is now particularly pointed out and distinctly claimed as required by 35 U.S.C. § 112, second paragraph, because the method which Applicant regards as his invention has been specified clearly and affirmatively in a format which Applicant believes is now acceptable to the Examiner.

Regarding Claim 2, In his election of subject matter, Applicant has amended Claim 2 to restrict the subject matter to the non AIN subject matter. Amended Claim 2 is now in dependent form and applies limitations to amended Claim 1. For the foregoing reasons discussed above with respect to amended Claim 1, Applicant now believes amended Claim 2 is in a format which has overcome the claim rejection based on 35 U.S.C. §112, second paragraph.

Furthermore, Applicant contends that no new matter has been added and that amended Claims 1-2, and the additional Claims 3-22 are fully supported in the specification.

**ELECTION/RESTRICTION**

With respect to the Election/Restriction requirement, Applicant herewith elects, without traverse, amended Claims 1-2 and new Claims 3-22 directed to the method, computer implemented method, and apparatus for dialing. As noted above, the original subject matter of Claim 2, specifically directed to call processing in an advanced intelligent network has been removed from this Application. Applicant reserves the right to file a continuation for prosecution of claims specifically directed to the AIN call processing subject matter.

In view of the foregoing, Applicant believes that this application is in condition for allowance and Applicant henceforth respectfully solicits such allowance. If the Examiner believes a telephone conference might expedite the prosecution of this case, Applicant respectfully requests the Examiner to call the undersigned, Applicant at: (516) 799-5097.

Respectfully submitted,

  
John L. Breckenridge  
Reg. No. 47,440

John L. Breckenridge  
www.apatenguy.com  
3280 Sunrise Highway #57  
Wantagh, New York 11793

JLB:jlb